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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,165	06/12/2000	PATRICK W. GRAY	27866/34810	7556

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EXAMINER

LI, BAO Q

ART UNIT

PAPER NUMBER

1648

DATE MAILED: 05/17/2002

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/509,165

Applicant(s)

GRAY ET AL.

Examiner

Bao Qun Li

Art Unit

1648

-- The MAILING DATE of this communication appears in the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 26-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-14 abd 26-37 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-5, drawn to a purified polypeptide.

Group II, claim(s) 1, 6-9, drawn to a polynucleotide, a vector comprising the polypeptide, a host cell comprising the polypeptide and a method for producing a polypeptide with the host cells.

Group III, claim(s) 10-11, drawn to an antibody that specifically binds to a MDC polypeptide and a hybridoma cell line that producing the antibody.

Group IV, claim(s) 12, drawn to a kit for assaying MDC polypeptide.

Group V, claim(s) 13, drawn to a method for identifying a modulator for binding MDC and a MDC receptor.

Group VI, claim(s) 14, drawn to another method for identifying a modulator of binding MDC and a MDC receptor.

Group VII, claim(s), 26, 30-31 drawn to a method of palliating an allergic reaction in a mammalian subject.

Group VIII, claim(s), 27, drawn to a method for treating a disease state.

Group IX, claim(s), 28, drawn to a method for treating lupus erythematosus.

Group X, claim(s) 29, drawn to a method of treating a disease by activation, chemotaxis or proliferation of cells expressing CCR4+ receptor.

Group XI, claim(s) 32-33, drawn to a vaccine composition and method of using the composition to stimulate an immune response.

Group XII, claim(s) 34-37, drawn to method of screening a patient suspected of suffering from or undergoing treatment.

Upon election of Group I, II and IV, Applicant is additionally required to elect a single sequence to be examined on the merits. This requirement is not to be construed as a requirement for an

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election of species, since each of the polypeptide recited in alternative form is not a member of a single genus of invention, but constitute an independent and patentably distinct invention.

The inventions listed as Groups I-XII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the special technical feature of the claimed invention in group I is drawn to a purified polypeptide of macrophage derived chemokine. However, this technical feature regarding a chemokine derived from the macrophage has been taught in the prior art as evidenced by Vicari et al. (Immunity 1997, vol. 7, pp. 291-301) and Schaniel et al. (J. Exp. Med. 1998, vol. 188, pp. 451-463). Vicari et al. disclose a novel CC chemokine specifically expressed by both mouse and human thymic dendritic cells (See Abstract). Schaniel et al. disclose a novel CC chemokine produced by the activated murine B-lymphocytes and Dendritic cells (See entire document). Furthermore, different groups of invention also lack the common technical feature under PCT Rule 13.1 and under PCT Rule 13.2 in that they are directed to the patentable distinct subject matters, for example, the group I is directed to an isolated polypeptide, whereas the group VI is directed to a method for identifying a modulator. Therefore, the unity of the invention is lacking among different groups of the claims.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Qun Li whose telephone number is 703-305-1695. The examiner can normally be reached on 8:00 to 4:00.

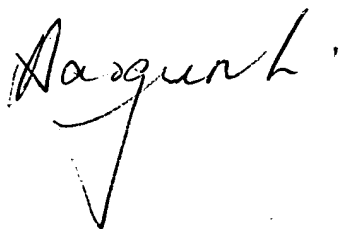
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel can be reached on 703-308-4027. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4242 for regular communications and 703-308-4242 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

Bao Qun Li

May 15, 2002

A handwritten signature in cursive script, appearing to read 'Bao Qun Li', with a large, stylized flourish at the bottom.

Avs
ALI R. SALIMI
PRIMARY EXAMINER